

# 22CRB01578Y STATE OF OHIO vs. ORTIZ, HERIBERTO GIERBOLINI YPD

- Case Type:  
MISDEMEANOR
- Case Status:  
CLOSED
- File Date:  
12/05/2022
- DCM Track:
- Action:  
OBSTRUCTING OFFICIAL BUSINESS
- Status Date:  
12/09/2022
- Case Judge:  
DISALVO, RENEE M
- Next Event:

All Information Party Charge Ticket/Citation # Event Docket Receipt Disposition

## Docket Information

Date	Description	Docket Text	Amount Owed
12/05/2022	COMPLAINT OR TICKET FILED	COMPLAINT OR TICKET FILED CT #1 2921.31A OBSTRUCTING OFFICIAL BUSINESS M2 CT #2 2921.33A RESISTING ARREST M2 CT #3 2903.22A MENACING M4	
12/09/2022	HEARING SCHEDULED	HEARING SCHEDULED Event: VIDEO ARRAIGNMENT Date: 12/09/2022 Time: 10:30 am Judge: JUDGE, ADMINISTRATIVE Location: ARRAIGNMENT COURTROOM  Result: SET FOR PRE-TRIAL	
12/09/2022	HEARING SCHEDULED	HEARING SCHEDULED Event: PRE-TRIAL M1-M2 Date: 12/30/2022 Time: 10:00 am Judge: DISALVO, RENEE M Location:  Result: RESET	
12/09/2022	MISDEMEANOR ARRAIGNMENT	MISDEMEANOR ARRAIGNMENT  JE: Defendant advised of the nature of the charge(s) and the potential penalties. Defendant enters a NOT GUILTY plea. Case events to be scheduled by assignment office.  CAPIAS WITHDRAWN _____  FEE TO BE PAID BY _____  << OWN COUNSEL   COUNSEL DENIED   X COURT TO APPOINT COUNSEL << UNCLASSIFIED   MINOR MISDEMEANOR   TIME WAIVER { NO } CHARGE 1: [ OOB M2] - BOND: \$1000.00 C/S CHARGE 2: [ RESISTING ARREST M2] - BOND: \$1000.00 C/S CHARGE 3: [ CHARGE ] - BOND: CHARGE 4: [ CHARGE ] - BOND: ADDITIONAL CONDITION: NO CONTACT WITH: DEBORAH RIOS-406 W CHALMERS ATTY: ( 12/09/22 ) ( JUDGE DISALVO ) PRETRIAL : 12/30/22 10AM-JUDGE DISALVO TRIAL : ASSIGNMENT OFFICER:	
12/09/2022	ARREST BOND	ARREST BOND	\$0.00

<u>Date</u>	<u>Description</u>	<u>Docket Text</u>	<u>Amount Owed</u>
		Arrest Bond Added to Case with: Action Code: OBSTRUCTING OFFICIAL BUSINESS Arrest Date: 12/09/2022 Bond Status: ACTIVE Status Date: 12/09/2022 Blanket Bond: No Okay to Apply: No Bond Type: CASH OR SURETY BOND Bond Amount: 1000	
12/09/2022	ARREST BOND	ARREST BOND	\$0.00
		Arrest Bond Added to Case with: Action Code: RESISTING ARREST Arrest Date: 12/09/2022 Bond Status: ACTIVE Status Date: 12/09/2022 Blanket Bond: No Okay to Apply: No Bond Type: CASH OR SURETY BOND Bond Amount: 1000	
12/09/2022	ARREST BOND	ARREST BOND	\$0.00
		Arrest Bond Added to Case with: Action Code: MENACING Arrest Date: 12/09/2022 Bond Status: ACTIVE Status Date: 12/09/2022 Blanket Bond: No Okay to Apply: No Bond Type: OWN RECOGNIZANCE BOND	
12/12/2022	10% BOND - MISDEMEANOR	10% BOND - MISDEMEANOR Receipt: 158126 Date: 02/10/2023	\$25.00
12/12/2022	ARREST BOND	ARREST BOND	\$0.00
		Arrest Bond Added to Case with: Action Code: OBSTRUCTING OFFICIAL BUSINESS Arrest Date: 12/03/2022 Custody Location: MAHONING COUNTY JAIL Bond Status: POSTED Status Date: 12/12/2022 Blanket Bond: No Okay to Apply: No Bond Type: CASH OR SURETY BOND Bond Amount: 1000 Bond/Pwr No.: U5-21456689 Bonding Co.: ACE BONDING COMPANY Surety Agent: FLANIGAN, JASON Insurance Co.: UNITED STATES FIRE INSURANCE COMPANY	
12/12/2022	ARREST BOND	ARREST BOND	\$0.00
		Arrest Bond Added to Case with: Action Code: RESISTING ARREST Arrest Date: 12/03/2022 Custody Location: MAHONING COUNTY JAIL Bond Status: POSTED Status Date: 12/12/2022 Blanket Bond: No Okay to Apply: No Bond Type: CASH, SURETY OR PROPERTY Bond Amount: 1000 Bond/Pwr No.: U5-21456689 Bonding Co.: ACE BONDING COMPANY Surety Agent: FLANIGAN, JASON Insurance Co.: UNITED STATES FIRE INSURANCE COMPANY	
12/12/2022	TEXT DOCKET ENTRY:	COURT APPOINTS ATTY JAMES DUNN	
12/13/2022	TEXT DOCKET ENTRY:	NOTICE AND WARNING	
12/28/2022	TEXT DOCKET ENTRY:	NOTICE OF APPEARANCE	
		Attorney: BETRAS, DAVID J (0030575)	
12/28/2022	TEXT DOCKET ENTRY:	MOTION TO CONTINUE	
		Attorney: BETRAS, DAVID J (0030575)	

<u>Date</u>	<u>Description</u>	<u>Docket Text</u>	<u>Amount Owed</u>
12/30/2022	HEARING SCHEDULED	HEARING SCHEDULED Event: PRE-TRIAL M1-M2 Date: 02/15/2023 Time: 10:15 am Judge: DISALVO, RENEE M Location:  Result: RESET	
01/03/2023	TEXT DOCKET ENTRY:	JUDGMENT ENTRY: FOR GOOD CAUSE SHOWN, THE MOTION TO COINTINE IN THE ABOVE CAPTIONED MATTER IS HEREBY GRANTED AND RESET TO 02/15/23 10:15AM. X JUDGE DISALVO	
01/09/2023	SUBPOENA WITNESSED/SEALED BY CLERK TO ISSUE ON: TO FOLLOWING PERSON(S):	SUBPOENA WITNESSED/SEALED BY CLERK TO ISSUE ON: 1-9-23 TO FOLLOWING PERSON(S): DET SGT G ANDERSON - YPD DEBORAH RIOS	
02/01/2023	TEXT DOCKET ENTRY:	REQUEST FOR EVIDENCE NOTICE Attorney: BETRAS, DAVID J (0030575)	
02/01/2023	TEXT DOCKET ENTRY:	MOTION FOR BILL OF PARTICULARS Attorney: BETRAS, DAVID J (0030575)	
02/01/2023	TEXT DOCKET ENTRY:	REQUEST FOR DISCOVERY Attorney: BETRAS, DAVID J (0030575)	
02/07/2023	GOOD SERVICE ON SUBPOENA (APPEARANCE DATE: ) ISSUED TO:	GOOD SERVICE ON SUBPOENA (APPEARANCE DATE: 2-15-23 ) ISSUED TO: DEBORAH RIOS	
02/15/2023	HEARING SCHEDULED	HEARING SCHEDULED Event: PRE-TRIAL M1-M2 Date: 03/23/2023 Time: 10:00 am Judge: DISALVO, RENEE M Location:  Result: HEARING RESCHEDULED	
02/15/2023	RESET	X Case is hereby reset for 2nd pretrial at < PROSECUTORS AND DEFENDANTS > request to < 03/23/23 10AM> NEED INTERPRETER  TIME WAIVER / STIPULATION  Defendant hereby waives all statutory time limits for trial of this cause. X Defendant hereby waives all statutory time limits for preliminary hearing. TRIAL OF THIS CAUSE  IT IS SO ORDERED: X< JUDGE FUHRY > < 02/15/23>	
02/21/2023	SUBPOENA WITNESSED/SEALED BY CLERK TO ISSUE ON: TO FOLLOWING PERSON(S):	SUBPOENA WITNESSED/SEALED BY CLERK TO ISSUE ON: 2-17-23 TO FOLLOWING PERSON(S): DET SGT G ANDERSON - YPD DEBORAH RIOS	
03/07/2023	HEARING SCHEDULED	HEARING SCHEDULED Event: PRE-TRIAL M1-M2 Date: 04/06/2023 Time: 10:45 am Judge: DISALVO, RENEE M Location:  Result: SET FOR TRIAL	
03/08/2023	TEXT DOCKET ENTRY:	JOURNAL ENTRY: STATE MOVES TO REQUEST SPANISH INTERPRETER FOR VICTIM/WITNESS, DEBORAH RIOS, FOR CAUSE VICTIM/WITNESS DEIS NOT SPEAK ENGLISH AND WILL NEED AN INTERPRETER IN ORDER TO TESTIFY. 02/16/23 X JUDGE FUHRY	
03/08/2023	TEXT DOCKET ENTRY:	JOURNAL ENTRY: THIS CASE IS HEREBY RESET TO 04/06/23 AT 10:45AM TO ALLOW FOR A SPANISH INTERPRETER TO BE PRESENT FOR VICTIM [DEBORAH RIOS]. X JUDGE DISALVO	
03/08/2023	TEXT DOCKET ENTRY:	INTERPRETER CONFIRMATION FOR 04/06/23 10:45AM.	
03/08/2023	TEXT DOCKET ENTRY:	RESET NOTIFICATION TO COUNSEL AND PROSECUTOR	
03/09/2023	GOOD SERVICE ON SUBPOENA (APPEARANCE DATE: ) ISSUED TO:	GOOD SERVICE ON SUBPOENA (APPEARANCE DATE: 3-23-23 ) ISSUED TO: DEBORAH RIOS	

<u>Date</u>	<u>Description</u>	<u>Docket Text</u>	<u>Amount Owed</u>
03/28/2023	SUBPOENA WITNESSED/SEALED BY CLERK TO ISSUE ON: TO FOLLOWING PERSON(S):	SUBPOENA WITNESSED/SEALED BY CLERK TO ISSUE ON: 3-27-23 TO FOLLOWING PERSON(S): DET SGT G ANDERSON- YPD DEBORAH RIOS	
04/03/2023	GOOD SERVICE ON SUBPOENA (APPEARANCE DATE: ) ISSUED TO:	GOOD SERVICE ON SUBPOENA (APPEARANCE DATE: 4-5-23 ) ISSUED TO: DEBORAH RIOS	
04/06/2023	RESET	X Case is hereby reset for trial at < PROSECUTORS AND DEFENDANTS > request to < 05/10/23 9AM>  IT IS SO ORDERED: X< JUDGE DISALVO> < 04/06/23>	
04/13/2023	SUBPOENA WITNESSED/SEALED BY CLERK TO ISSUE ON: TO FOLLOWING PERSON(S):	SUBPOENA WITNESSED/SEALED BY CLERK TO ISSUE ON: 4-13-23 TO FOLLOWING PERSON(S): DET SGT G ANDERSON - YPD OFFICER SRBINOVICH - YPD OFFICER THOMAS - YPD DEBORAH RIOS	
04/14/2023	HEARING SCHEDULED	HEARING SCHEDULED Event: TRIAL M1-M2 Date: 05/10/2023 Time: 9:00 am Judge: DISALVO, RENEE M Location:  Result: MOTION TO CONTINUE	
04/18/2023	GOOD SERVICE ON SUBPOENA (APPEARANCE DATE: ) ISSUED TO:	GOOD SERVICE ON SUBPOENA (APPEARANCE DATE: 5-10-23 ) ISSUED TO: OFFICER THOMAS - YPD	
04/18/2023	GOOD SERVICE ON SUBPOENA (APPEARANCE DATE: ) ISSUED TO:	GOOD SERVICE ON SUBPOENA (APPEARANCE DATE: 5-10-23 ) ISSUED TO: OFFICER SRBINOVICH - YPD	
05/05/2023	TEXT DOCKET ENTRY:	MOTION TO CONTINUE Attorney: BETRAS, DAVID J (0030575)	
05/09/2023	HEARING SCHEDULED	HEARING SCHEDULED Event: TRIAL M1-M2 Date: 06/01/2023 Time: 9:30 am Judge: DISALVO, RENEE M Location:  Result: DISMISSED	
05/10/2023	NO SERVICE ON SUBPOENA (APPEARANCE DATE: ) ISSUED TO:	NO SERVICE ON SUBPOENA (APPEARANCE DATE: 5-10-23 ) ISSUED TO: DEBORAH RIOS	
05/10/2023	JUDGMENT ENTRY	JUDGMENT ENTRY  FOR GOOD CAUSE SHOWN, THE MOTION TO CONTINUE IN THE ABOVE CAPTIONED MATTER IS HEREBY GRANTED AND RESET TO 6-1, 2023 AT 9:30  JUDGE RENEE M DISALVO	
05/10/2023	TEXT DOCKET ENTRY:	INTERPRETER CONFIRMATION	
05/10/2023	TEXT DOCKET ENTRY:	RESET NOTIFICATION TO COUNSEL & PROSECUTOR	
05/18/2023	SUBPOENA WITNESSED/SEALED BY CLERK TO ISSUE ON: TO FOLLOWING PERSON(S):	SUBPOENA WITNESSED/SEALED BY CLERK TO ISSUE ON: 5-18-23 TO FOLLOWING PERSON(S): DET SGT G ANDERSON - YPD DEBORAH RIOS	
06/01/2023	NO SERVICE ON SUBPOENA (APPEARANCE DATE: ) ISSUED TO:	NO SERVICE ON SUBPOENA (APPEARANCE DATE: 6-1-23 ) ISSUED TO: DEBORAH RIOS	
06/01/2023	TEXT DOCKET ENTRY:	MATTER SET FOR TRIAL. STATE UNABLE TO GO FORWARD FOR FAILURE TO SUBPOENA WITNESS AND/OR CONTACT WITNESS. MATTER DISMISSED WITHOUT PREJUDICE. STATE TO INFORM ATTY BETRAS IF CHARGES ARE REFILED. JUDGE DISALVO	



HERIBERTO ORTIZ

Defendant/Case No.: 22 CRB 1578

Attorney \_\_\_\_\_

**DISCOVERY RECEIPT**  
Crim. R. 16(A), (B)(1)-(7), (I)

Counsel for the Defendant made a written demand for discovery and inspection in the above case number(s) in accordance with Crim. R. 16(M).

In response, the State of Ohio has provided initial disclosure of the following material:

( ) Statements of the defendant or co-defendant: \_\_\_\_\_

( ) Defendant's prior criminal record. (Available for inspection only).

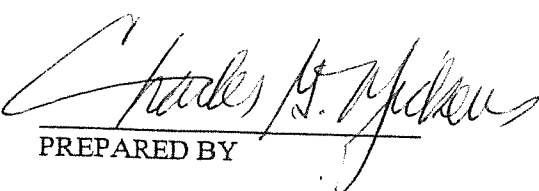
( ) Documents: COMPLAINTS(3), YPD REPORT WITH NARRATIVE,  
WITNESS LIST

( ) Tangible objects: \_\_\_\_\_

( ) Witnesses List: \_\_\_\_\_

( ) Other material: \_\_\_\_\_

Counsel for the Defendant hereby acknowledges receipt of the above listed information personally or by his or her agent.

  
PREPARED BY

12/19/22  
DATE

\_\_\_\_\_  
DEFENSE COUNSEL

\_\_\_\_\_  
DATE

Youngstown Municipal Court  
9 W. Front Street, Youngstown, Ohio 44503

City of Youngstown,  
State of Ohio

Case No.22 CR

v.

Docket No. \_\_\_\_\_ Page No. \_\_\_\_\_

**Heriberto Gierbonlini Ortiz**  
**501 W. Glenaven Ave.**  
**Youngstown, Ohio**

Complaint  
Rule 4

I, the Affiant named below, after being sworn, state under oath that on or about December 3, 2022 in Youngstown, Ohio, Defendant committed the offense of **Menacing** in violation of ORC 2903.22A by knowingly causing another to believe that the offender will cause physical harm to the person or property of the other person TO WIT: Having reviewed the reports and evidence in this matter, I have attached hereto and incorporated by reference an official record: Youngstown Police Department report of Incident number 22Y055467 which states the essential facts constituting the offense.

Det. Sgt. G. Anderson – YPD Incident # 22Y055467

Menacing – M4– ORC 2903.22A

Affiant: Det. Sgt. G. Anderson

Clerk/Deputy Clerk

Sworn to and subscribed before me this date \_\_\_\_\_.

\_\_\_\_\_  
PROSECUTOR / ASSISTANT PROSECUTOR having reviewed the complaint, the Prosecutor/Assistant Prosecutor hereby requests that an independent review of probable cause be made and if probable cause is found please ( ☒ ) defendant was arrested without warrant, serve complaint, ( ☐ ) issue an arrest warrant or ( ☐ ) issue a summons in lieu of an arrest warrant. If service of summons fails, please issue an arrest warrant.

**Probable Cause Determination**

( ☐ ) Based on the affidavit of complaint, I find there is probable cause to believe that on the date set forth above in Youngstown Ohio, the Defendant committed the offense of \_\_\_\_\_.

( ☐ ) Arrest warrant shall issue

( ☐ ) Summons shall issue

( ☐ ) Defendant arrested without warrant. Complaint shall be served upon defendant.

( ☐ ) A warrantless arrest affidavit was reviewed by the court and probable cause was found. Complaint shall be served upon defendant.

( ☐ ) No probable cause found.

Judge/Magistrate/ Clerk \_\_\_\_\_

Date \_\_\_\_\_

Youngstown Municipal Court  
9 W. Front Street, Youngstown, Ohio 44503

City of Youngstown,  
State of Ohio

Case No.22 CR

v.

Docket No. \_\_\_\_\_ Page No. \_\_\_\_\_

**Heriberto Gierbolini Ortiz**  
**501 W. Glenaven Ave.**  
**Youngstown, Ohio**

**Complaint**  
**Rule 4**

I, the Affiant named below, after being sworn, state under oath that on or about December 3, 2022 in Youngstown, Ohio, Defendant committed the offense of **obstructing official business** in violation of ORC 2921.31A by doing an act that hampered or impeded a public official in the performance of the public official's lawful duties with the purpose to do so TO WIT: Having reviewed the reports and evidence in this matter, I have attached hereto and incorporated by reference an official record: Youngstown Police Department report of Incident number 22Y055467 which states the essential facts constituting the offense

Det. Sgt. G. Anderson - YPD Incident # 22Y055467  
Obstructing Official Business – M2 – ORC 2921.31A

Affiant: Det. Sgt. G. Anderson

Clerk/Deputy Clerk

Sworn to and subscribed before me this date \_\_\_\_\_.

\_\_\_\_\_  
PROSECUTOR / ASSISTANT PROSECUTOR having reviewed the complaint, the Prosecutor/Assistant Prosecutor hereby requests that an independent review of probable cause be made and if probable cause is found please: ( ☒ ) defendant was arrested without warrant, serve complaint, ( ☐ ) issue an arrest warrant or ( ☐ ) issue a summons in lieu of an arrest warrant. If service of summons fails, please issue an arrest warrant.

**Probable Cause Determination**

( ☐ ) Based on the affidavit of complaint, I find there is probable cause to believe that on the date set forth above in Youngstown Ohio, the Defendant committed the offense of \_\_\_\_\_.

( ☐ ) Arrest warrant shall issue

( ☐ ) Summons shall issue

( ☐ ) Defendant arrested without warrant. Complaint shall be served upon defendant.

( ☐ ) A warrantless arrest affidavit was reviewed by the court and probable cause was found. Complaint shall be served upon defendant.

( ☐ ) No probable cause found.

Judge/Magistrate/ Clerk \_\_\_\_\_

Date \_\_\_\_\_



Youngstown Municipal Court  
9 W. Front Street, Youngstown, Ohio 44503

City of Youngstown,  
State of Ohio

Case No.22 CR

v.

Docket No. \_\_\_\_\_ Page No. \_\_\_\_\_

**Heriberto Gierbolini Ortiz**  
**501 W. Glenaven Ave.**  
**Youngstown, Ohio**

**Complaint**  
**Rule 4**

I, the Affiant named below, after being sworn, state under oath that on or about December 3, 2022 in Youngstown, Ohio, Defendant committed the offense of resisting arrest in violation of ORC 2921.33A by recklessly or by force, resisted or interfered with a lawful arrest of himself or another. TO WIT: Having reviewed the reports and evidence in this matter, I have attached hereto and incorporated by reference an official record: Youngstown Police Department report of Incident number 22Y055467 which states the essential facts constituting the offense.

Det. Sgt. G. Anderson- YPD Incident # 22Y055467  
Resisting Arrest – M2 – ORC 2921.33A

Affiant: Det. Sgt. G. Anderson

Clerk/Deputy Clerk

Sworn to and subscribed before me this date \_\_\_\_\_.

\_\_\_\_\_  
PROSECUTOR / ASSISTANT PROSECUTOR having reviewed the complaint, the Prosecutor/Assistant Prosecutor hereby requests that an independent review of probable cause be made and if probable cause is found please: ( ☒ ) defendant was arrested without warrant, serve complaint, ( ☐ ) issue an arrest warrant or ( ☐ ) issue a summons in lieu of an arrest warrant. If service of summons fails, please issue an arrest warrant.

**Probable Cause Determination**

( ☐ ) Based on the affidavit of complaint, I find there is probable cause to believe that on the date set forth above in Youngstown Ohio, the Defendant committed the offense of \_\_\_\_\_.

( ☐ ) Arrest warrant shall issue

( ☐ ) Summons shall issue

( ☐ ) Defendant arrested without warrant. Complaint shall be served upon defendant.

( ☐ ) A warrantless arrest affidavit was reviewed by the court and probable cause was found. Complaint shall be served upon defendant.

( ☐ ) No probable cause found.

Judge/Magistrate/ Clerk \_\_\_\_\_

Date \_\_\_\_\_



# Youngstown Police Department

Officer Report for Incident 22Y055467

**Nature:** Escort Call  
**Location:** 203

**Address:** 406 W CHALMERS AVE  
Youngstown OH 44511

**Received By:** Wynn, Monica      **How Received:** T      **Agency:** YPD  
**Responding Officers:** Srbinovich, Tyl, Thomas, Ivan, Kis, Travis, Wharry, Alex, Redfern, Cha, Menichini, Nick, Fiedler, Megan  
**Responsible Officer:** Srbinovich, Tyl      **Disposition:** 111 12/03/22  
**When Reported:** 13:32:26 12/03/22      **Occurred Between:** 13:30:00 12/03/22 and 15:06:39 12/03/22

**Assigned To:**  
**Status:**

**Detail:**  
**Status Date:** \*\*/\*\*/\*\*

**Date Assigned:** \*\*/\*\*/\*\*  
**Due Date:** \*\*/\*\*/\*\*

## Complainant:

<b>Last:</b>	<b>First:</b>	<b>Mid:</b>
<b>DOB:</b> **/**/** - 0	<b>Dr Lic:</b>	<b>State ID:</b>
<b>Race:</b>	<b>Sex:</b>	<b>Address:</b>
	<b>Phone:</b>	<b>City:</b> ,

## Offense Codes

### Reported:

**Additional Statutes:** 2921.31 - Obstructing Official  
Business  
**Additional Statutes:** 2903.22 - Menacing  
**Additional Statutes:** 2921.33 - Resisting Arrest  
**Additional Statutes:** 2921.29 - Failure to Disclose Personal  
Information

### Observed:

## Circumstances

### Responding Officers:

Srbinovich, Tyl  
Thomas, Ivan  
Kis, Travis  
Wharry, Alex  
Redfern, Cha  
Menichini, Nick  
Fiedler, Megan

### Unit :

y109b  
y1205  
y201b  
y206b  
y206b  
y101b  
y103b

**Responsible Officer:** Srbinovich, Tyl**Received By:** Wynn, Monica**How Received:** T Telephone**When Reported:** 13:32:26 12/03/22**Judicial Status:** YES**Misc Entry:****Agency:** Youngstown Police Department**Last Radio Log:** 21:01:03 12/03/22 CMPLT**Clearance:** RPT Report**Disposition:** 111 **Date:** 12/03/22**Occurred between:** 13:30:00 12/03/22**and:** 15:06:39 12/03/22**Modus Operandi:**

01 Referred To

**Description :**

Referred To Division/Agency

**Method :**

Y Detectives

**Involvements**

<b>Date</b>	<b>Type</b>	<b>Description</b>	<b>Relationship</b>
12/03/22	Name	ORTIZ, HERIBERTO GIERBOLINI	Offender
12/03/22	Name	RIOS, DEBORAH MARTINEZ	Victim
12/03/22	Offense	Offense#: 27677 - F5 - 1 count	Charged With
12/03/22	Offense	Offense#: 27678 - M1 - 1 count	Charged With
12/03/22	Offense	Offense#: 27679 - M1 - 1 count	Charged With
12/03/22	Offense	Offense#: 27680 - M1 - 1 count	Charged With

## Narrative

I officer T. Sribnovich was dispatched to 116 W Boardman (Police Station) in reference to an escort. Upon arrival I spoke with Deborah Rios (victim) who advised that she had been staying at 406 W Chalmers for approx. 3 weeks and the locks were changed, locking her out of the house without any notice. While on station I called to make contact with the other party. Upon calling, Heriberto ORTIZ (offender) answered and was instantly hostile not wanting to hear my explanation. I asked ORTIZ to then meet me at the address of 406 W Chalmers were Rios and officer I. Thomas met me.

Upon meeting with ORTIZ at this location he was extremely argumentive and not following orders. ORTIZ eventually unlocked the door allowing officers inside. It was explained to ORTIZ many times that Rios has established residence here and has to be legally evicted. There was also mail found in the mail box with Deborah Rios's name on it. ORTIZ continued to argue with officers in reference to Rios being allowed into the residence. ORTIZ then stated to officers that "he lives here to and will be staying with her". ORTIZ was unable to provided anything that showed he lived at this address, in fact told officers that he lives at another house and just works on the one at this address. At this time ORTIZ was advised that he will not be staying here with Rios and that she in fact is allowed to come in. ORTIZ then began rubbing his head/pulling his hair, pacing around talking to himself leading to officers requesting Sgt. Kis to the scene. While waiting for our supervisor to arrive on scene, ORTIZ looked at officers and said "you're going to have to shoot me" then stated "you're going to have to kill me to get me to leave". Due to his actions and making those remarks, I asked ORTIZ if he had any weapons of any sort that we needed to know about. At this time ORTIZ tossed a pocket knife onto the couch from his front right pocket. Due to his actions, statements, and having a knife, I advised ORTIZ that we were going to do a pat down to ensure there was no other weapons in the area for both his and officers safety. At this time ORTIZ continued to refuse officers orders and said he was not going to turn around. While officers attempted to complete a frisk for weapons, ORTIZ said "do you guys want to fight" and attempted to strike officer Thomas with his right knee. At this time ORTIZ continued to fight with officers where he was taken to the ground and placed into handcuffs (gaped and double locked) to prevent further incident. While walking ORTIZ to officers cruiser, he advised Rios that "I wouldn't stay here if I were you guys".

( It should be noted that during the incident with ORTIZ he refused to identify himself to officers on scene, officers at MCSO jail when transported, as well as the nurses at St. E's where he was treated for High Blood Sugar. ) When trying to identify ORTIZ he stated that he does not know his name, social, or birthday. Through further investigation, Sgt. Menichini was able to obtain the name of Erika Ortiz through our database which happened to be his daughter. Erika then meet with Sgt. Menichini at MCSO were she provided that ID of her father being Heriberto ORTIZ (offender).

ORTIZ was transported to MCSO in YPD Marked Car 105 under the charges of Menacing, violation of ORC 2903.22, Resisting arrest, violation of ORC 2921.33, Failure to Identify, violation of ORC 2921.29, and Obstructing Official Business, violation of ORC 2921.31. Upon arrival at MCSO, ORTIZ was refused due to high blood sugar where he remains being treated at St. E's. Rios was provided with an incident report receipt.

**Supplement**

Assigned To G. Anderson

**Sentryx Booking Information:****Sentryx Booking Number:** 17643**Name Number:** 38556**Name:** ORTIZ, HERIBERTO GIERBOLINI**Address:** 501 W GLENAVEN AVE**Phone:**

Youngstown, OH 44511

**DOB:** 02/27/64 - 58**Dr Lic:** UR742617**Booking Date:** 12/03/22**Sentryx Arrest # 8293****Time/Date:** 13:32:26 12/03/22**Agency:** YPD**Age at Arrest:** 58**Location:** 406 W CHALMERS  
AVE**Officer:** Srbinovich, Tyl**Arrest Type:** 2**Area:** 203**Reference:****Disposition:****ITN:****Sentryx Offense # 27677****Statute:** 2921.31 Obstructing Official  
Business**NCIC:****Offense:** 90Z All Other Offenses**Crime Class:** F5**Offense Reference:****Offense Type:** S State Statute**Offense Area:** 203**Related Incident:** 22Y055467**Law Jurisdiction:** OH Ohio**Offen**13:32:26 12/03/22**Offense****se****Location:****Time/****Date:****Sentryx Offense # 27678****Statute:** 2903.22 Menacing**NCIC:****Offense:** 13A Aggravated Assault**Crime Class:** M1**Offense Reference:****Offense Type:** S State Statute**Offense Area:** 203**Related Incident:** 22Y055467**Law Jurisdiction:** OH Ohio**Offen**13:32:26 12/03/22**Offense****se****Location:****Time/****Date:****Sentryx Offense # 27679****Statute:** 2921.33 Resisting Arrest**NCIC:****Offense:** 000 Local or Municipal Code**Crime Class:** M1**Offense Reference:****Offense Type:** S State Statute**Offense Area:** 203**Related Incident:** 22Y055467**Law Jurisdiction:** OH Ohio

Offense 13:32:26 12/03/22

Offense

se

Location:

Time/

Date:

**Sentryx Offense # 27680**

**Statute:** 2921.29 Failure to Disclose Personal  
Information

**NCIC:**

**Offense:** 90Z All Other Offenses

**Crime Class:** M1

**Offense Reference:**

**Offense Type:** S State Statute

**Offense Area:** 203

**Related Incident:** 22Y055467

**Law Jurisdiction:** OH Ohio

Offense 13:32:26 12/03/22

Offense

se

Location:

Time/

Date:

---

**Name Involvements:**

---

**Victim :** 112801**Last:** RIOS**First:** DEBORAH**Mid:** MARTINEZ**DOB:** 04/30/90 - 32**Dr Lic:** VN848120**State ID:****Race:** L      **Sex:** F**Phone:** (939)258-0659**Address:** 315 COHASSET DR**SSN:** 598-28-2602**Work Phone:****City:** Youngstown, OH 44511 1661**Height:** 4'11"**Eyes:** BRO**Hair:** BLK**Weight:** 144**Glasses:** N**Beard:****Build:****Teeth:****Ethnicity:****Complexion:****Hairstyle:**

---

**Offender :** 38556**Last:** ORTIZ**First:** HERIBERTO**Mid:** GIERBOLINI**DOB:** 02/27/64 - 58**Dr Lic:** UR742617**State ID:****Race:** L      **Sex:** M**Phone:****Address:** 501 W GLENAVEN AVE**SSN:** 581-02-9453**Work Phone:****City:** Youngstown, OH 44511**Height:** 5'06"**Eyes:** BRO**Hair:** BRO**Weight:** 160**Glasses:****Beard:****Build:****Teeth:****Ethnicity:** UNK**Complexion:****Hairstyle:**



# WITNESS LIST

CASE NUMBER: 321055467

DEFENDANT: Mariberto Ortiz

DETECTIVE/INVESTIGATOR: DIA Anderson

TEST FIRE/NARCO TEST OFFICER: \_\_\_\_\_

Witness Name: Deborah Russ

Address: 315 Cabot St D.

City, State, Zip: Yonkers NY 10511

Phone: 939-258-0659

Witness Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Witness Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Witness Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Witness Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Witness Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Witness Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Witness Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Officers: T. Subirach - I. Thomas - T. Kis

Mrs. Debora Martinez Rios was desperate to find a house for rent. We try to help her by renting the house on 406 West Chalmers ave. but we told her the house is not ready yet but she said I only need a place to sleep so we told her you can stay at the house and we are still working at the house and she agreed with that. Then everytime we called her to fix the house she always said she is not at the house and she is not around. One day we pass to the house we see her car we stop at the house and she open the door when we enter at the house we notice they move all my stuff to a garage and outside the house when I already told her we going to move my stuff, my husband told to Mrs Debora Martinez Rios previously he going to put the rugs on the bedrooms but they put the rugs cutting in pieces now the rugs are damage, and we notice the house was cold so my husband when to the basement to check the furnace and he notice the furnace is not working so my husband take the furnace out to check why in not working and he notice is really dirty and he start to clean the furnace. When my husband was in the basement Mrs Debora Martinez Rios' husband goes to the basement because he notices we are not happy with the manner to Mrs Debora Martinez Rios takes care of my stuff and he wants to apologize to us for his wife's behavior. At that time my husband told him I think I'm not renting the house and he said that ok I understand. On December 3, 2022, between 2:00 PM and 2:30 PM, I received a call from the police telling me that I had to go open the door of the house at 406 West Chalmers Ave in Youngstown, Ohio so that Mrs. Debora Martinez Rios will take possession of the house since she told the police that it was her residence. when she had already removed all her belongings from the house and she was not staying there. My husband began to stay in the house from November 30, 2022 in the afternoon since he went to work in the house and found that she had left the house leaving all the lights on and the toilet wasting water and those bills were not under her name, that's why my husband decided to change the lock on the house. Apart from that, she already knew that she no longer had any active bill in the house because the only bill that was in her name was the gas and she had already disconnected it on December 1, 2022. I told the police that she no longer lived there and the policeman kept insisting that I had to open the door for her, so I contacted my husband, Mr. Heriberto Ortiz, and he explained again to the policeman by phone, but the policeman kept saying that we had to open the house for her. My husband told the police that he was not going to open the door for her to destroy the house. Not reaching any agreement, the policeman asked us to go to 406 west chalmers ave to talk and my husband and I headed there. Upon arriving at the house, Mrs. Debora Martinez Ríos was with her friend José the mechanic and the police. We tried to explain to the police that she had already left the house but she insisted that she wanted to stay in the house because she had nowhere to stay. My husband told the police that she had not stayed in the house for more than 3 or 4 days and that she did not have any belongings in the house, because the police told my husband to open the door to verify that it was true. When they opened the door of the house, the police could see that what was inside on the first floor the house belonged to us and not to Mrs. Debora Martinez Ríos. The police later told us that we had to leave and that Mrs. Debora Martinez Ríos was going to enter the house and my husband told the police that she was not going to enter the house and the police insisted that she was and my husband said that No. They stayed like that for a while and they couldn't reach an

agreement because the police didn't want to listen to what my husband was saying. The police asked my husband if there were weapons in the house, to which he said no, so my husband had a pocket knife and he took it out of his pocket and threw it on the couch. At that time the police ask is he had something else on the pocket and my husband said no and he raised he's shirt and the hand showing he didn't have nothing on him. The police told my husband that he wanted to search him for any weapon and my husband lifted up his hand and told the cop to go ahead but the cop told him to turn around and put his hand on the wall and my husband asked him if I was under arrest and the police said no we don't arrest you. Then the police said to my husband he was calling a supervisor and my husband said ok. So when I saw that the police had the intention of arresting my husband because I saw when they put on gloves and called for backup I went out to the car to look for my phone. When I returned the police had my husband on the floor so I started recording what happen. The police wanted him to lie face down on the floor and he told him no because they are going to put his face on the ground. I had told the police that he was in a severe depression, he had shoulder surgery and that he suffered from his back but they ignored me and continued to struggle to turn him face down and the policeman knelt on his back. Then two more policemen arrived, they picked him up from the floor and threw him on the couch and the 4 policemen fell on top of him to put the handcuffs on him and they were hurting his hands and he yelled at me that they were going to break his arms and he also told the policemen that his skin cuts very easily but the police ignored him after they picked him up and took him to the patrol car. My husband told me to tell him that the handcuffs were too tight and the policeman said that they were not tight. From there they took him in the patrol car and I didn't hear from him until December 8, 2022 when he called me because they admitted him to the hospital and to this day I don't know what happened because they took him. They put as a person who does not have a name but they had already asked us the names and they had written it down in a notebook.

Wanda J. Dug  
330-398-0839